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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas CIOSSEK et al.

Title: METHODS FOR DIAGNOSIS AND TREATMENT OF MDK1 SIGNAL TRANSDUCTION DISORDERS

Appl. No.: 10/073,064

Filing Date: 2/12/2002

Examiner: Susan Ungar

Art Unit: 1642

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is a response to the Office Action mailed on August 25, 2004 concerning the captioned application.

I. Election of a Group for Examination

The Office has asserted that the following groups of claims are drawn to patentably distinct inventions:

Group 1. Claims 1-4, drawn to a nucleic acid encoding an MDK-1 polypeptide;

Group 2. Claim 5, drawn to an isolated MDK1 polypeptide;

Group 3. Claims 6-7, drawn to an antibody having a specific binding affinity to MDK1 polypeptide;

Group 4. Claim 8, drawn to a method of detecting a compound capable of binding to MDK1 polypeptide;

Group 5. Claim 9, drawn to an *in vivo* method for treatment of an organism having a disease or condition characterized by an abnormality in a signal transduction pathway which involves the interaction between a MDK1 receptor tyrosine kinase and a MDK1 binding partner;

Group 6. Claims 10-12, drawn to a method of screening potential agents useful for treatment of a disease or condition which involves some interaction between a MDK1 receptor tyrosine kinase and a binding partner wherein said disease is a neuro proliferative disorder, wherein said MDK1 receptor tyrosine kinase is truncated and lacks a kinase domain;

Group 7. Claims 10-12, drawn to a method of screening potential agents useful for treatment of a disease or condition which involves some interaction between a MDK1 receptor tyrosine kinase and a binding partner wherein said disease is a two neuro degenerative disorder, wherein said MDK1 receptor tyrosine kinase is truncated and lacks a kinase domain;

Group 8. Claims 10-12, drawn to a method of screening potential agents useful for treatment of a disease or condition which involves some interaction between a MDK1 receptor tyrosine kinase and a binding partner wherein said disease is a cancer, wherein said MDK1 receptor tyrosine kinase is truncated and lacks a kinase domain;

Group 9. Claims 10-11 and 13, drawn to a method of screening potential agents useful for treatment of a disease or condition which involves some interaction between a MDK1 receptor tyrosine kinase and a binding partner wherein said disease is a neuro proliferative disorder, wherein said MDK1 receptor tyrosine kinase is not truncated and does not lack a kinase domain;

Group 10. Claims 10-11 and 13, drawn to a method of screening potential agents useful for treatment of a disease or condition which involves some interaction between a MDK1 receptor tyrosine and for kinase and a binding partner wherein said disease is a two neuro degenerative

disorder, wherein said MDK1 receptor tyrosine kinase is not truncated and does not lack a kinase domain;

Group 11. Claims 10-11 and 13, drawn to a method of screening potential agents useful for treatment of a disease or condition which involves some interaction between a MDK1 receptor tyrosine kinase and a binding partner wherein said disease is a cancer, wherein said MDK1 receptor tyrosine kinase is not truncated and does not lack a kinase domain; and

Group 12. Claim 15, drawn to a method for diagnosis of a disease or condition characterized by an abnormality in a signal transduction pathway involving MDK1 receptor tyrosine kinase.

The Office further restricted groups 6-11 according to the particular MDK1 receptor tyrosine kinase molecule, as follows:

(A) MDK1.T1

(B) MDK1.T2

(C) MDK1.delta 1

(D) MDK1.delta 2

In response, ***Applicants elect Group 2, Claim 5, drawn to an isolated MDK1 polypeptide, for examination. This election is made without traverse.***

II. Concluding Comments

Applicants request prompt and favorable examination of this application. If the Examiner believes that an interview would advance prosecution, she is invited to contact the undersigned attorney by telephone.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 23 September 2004 By _____

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5475
Facsimile: (202) 672-5399

Beth A. Burrous
Attorney for Applicants
Registration No. 35,087